

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-04040
Date Received: 3/15/1989
Receipt No: 500 7109
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY B. HARPER
Address: STAR RT. BOX 16
DECLO, ID 83323 208-645-2227

2. Date of Priority: MAY 15, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	28E	30	SE	NE	SW	4	CASSIA
			SW	SW	SW		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	2.400		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 984.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	28E	30	NE	NW		IRR	40.0

A43-04040

Page 1

Date: 03/15/89

MICROFILMED

MAR 15 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	28E	30	NW		NW	1	IRR	52.0
			SW		NW	2	IRR	52.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	52.0
			SW		SW	4	IRR	52.0
			SW		SW	4	DOMEST	

Section Acres 328.0

Total Acres 328.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-04041, A43-04053, A43-04054.

14. Remarks:
AC. IRR.=328.6
ALL WR ARE PART OF ONE SYSTEM. THIS IS THE REFERENCE RIGHT FOR
OTHER WR LISTED.
DOMESTIC WELL IS SEPARATE FROM THE IRRIGATION WELL IN LOT 4.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jerry B. Harper Date: 15 Mar 89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of March 19 89

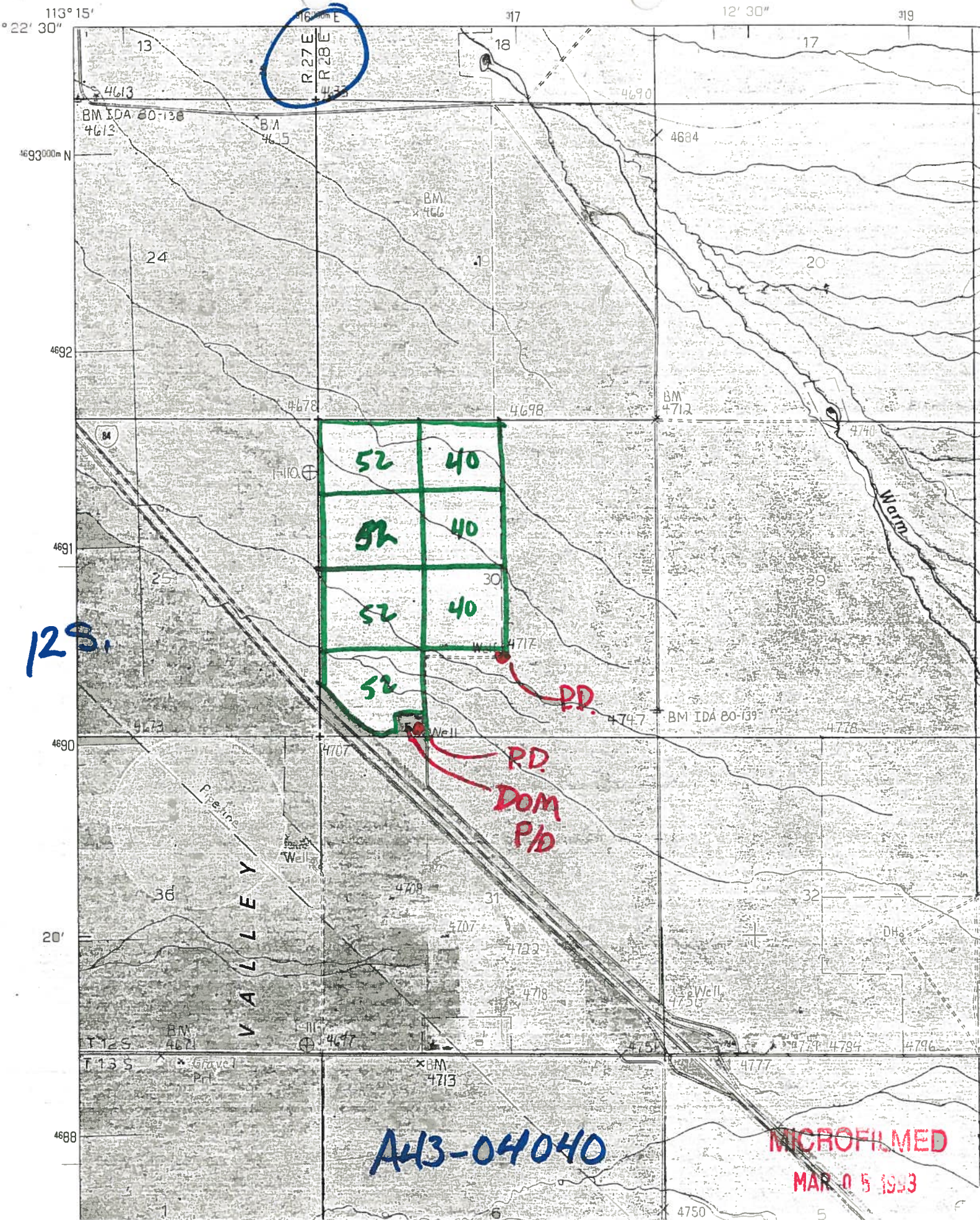
Steve Callahan
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04040
GARY B. HARPER
STAR RT. BOX 16

DECL0

ID 83323

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 05 1993

GARY HARPER

JAN 27, 92

REA # 16014

ID# A43-04041

ID# A43-04040

- 1- Contract to purchase power 1956
- 2- Power bill 1956
- 3 Well Log

RECEIVED

JAN 31 1992

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 05 1993

RECEIVED
APR 23 1956

Department of Reclamation

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____

Rec. _____, 19____

Well No. _____

Permit No. 221311

(DO NOT FILL IN)

Owner Joan M. Harris Address 1420 Harrison Blvd., Boise, Idaho

Driller Frank T. Conley Address Star Rt. Deal, Idaho Lic. No. 76

Location of Well: SW 1/4 SW 1/4 Sec. 30, T. 12 N. 15, R. 28 E. Cassia County,
and 20 feet N. 1/4, and 700 feet E/W from SW Corner of SW 1/4 SW 1/4 Sec. 30

Size of Drilled Hole 16" Total depth of Well 540

Give depth of standing water from surface 180 Water Temp. 61 of Fahrenheit

On pumping test delivery was 1050 g.p.m. or _____ c.f.s. Drawdown was 57 feet.

Size of pump and motor used to make the test 8" Pump, 100 HP U.S. Electric motor

Length of time pumped during check was 4 hr., _____ minutes.

If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____

If flowing well, describe control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for irrigation Weight of casing per linear foot 33# x 29#

Thickness of casing 1/4" to 185, 3/16" from 180-346 Casing material galv.
E.G., PIPE, CONCRETE, WOOD.

Diameter, length and location of casing 186' 16 1/2" from 1' above to 185', 166' 14 3/8" from 180' to 346'
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)

Number and size of perforations 1100 holes 1/2" x 6" located 186 feet to 342 feet
from surface of ground.

Other perforations _____

Date of commencement of well Nov. 1, 1955 Date of completion of well Mar. 31, 1956

Type of well rig 71 Spectator Cable Tool Rig

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS -- SEALS, GROUTING, ETC.
16"	1' above	185'	186	
14"	180	346	166	Conley thinks nests reduced on a hole

MICROFILMED
MAR 05 1993

16011 ^
Page 1
74
AGREEMENT FOR PURCHASE OF POWER

THIS AGREEMENT, Made this 21 day of February, 19 56, between
the Raft River Rural Electric Cooperative, Inc., hereinafter called the Seller, and
I. M. Harris & wife hereinafter called the Consumer.

WITNESSETH, WHEREAS the Consumer is the owner of the following described real
estate in the County of Cassia, State of Idaho, particularly
described as follows, to-wit:

SW $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; of Section 30, Township 12 S,
Range 28 East of Boise Meridan

Section 30, Township 12 South, Range 28,
East, of the Boise Meridan. And has a well on the SW $\frac{1}{4}$ of SW $\frac{1}{4}$
of Section 30 of the said real estate and desires to irrigate the irrigable
portion of said real estate by pumping water from such well or wells.

NOW, THEREFORE, THE SELLER agrees to sell and deliver to the Consumer on the
above described real estate, electrical energy up to 200HP
75 KVA, and the Consumer
agrees to purchase from the Seller all electrical energy used for pumping water from
the well or wells upon said premises for irrigation purposes during the irrigation
season of each year for a period of not less than seven years from the date of
this contract.

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4040

GARY B HARPER

2040 E 850 S

DECL0 ID 83323

Telephone Number: (208) 645-2227

RECEIVED
JUN 12 2001
Department of Water Resources
Bozeman, Montana

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 29 May 01

SIGNATURE: Gary B. Harper

Please print your name: GARY B. HARPER

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

VERIFIED BY *8/1/34/01*

01/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4040
NAME AND ADDRESS: GARY B HARPER
STAR RT BOX 16
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 2.4 CFS
1284 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1284 AF. COMBINED
RIGHT NOS.: 43-04040, 43-04041, 43-04053, & 43-04054.

PRIORITY DATE: 05/15/1956

POINT OF DIVERSION:	T12S R28E S30	SENESW	Within CASSIA County
	T12S R28E S30 LOT 4	SESWSW	Within CASSIA County
	T12S R28E S30 LOT 4	SESWSW	Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T12S, R28E, S30,
SESWSW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.40 CFS
		1,284.00 AFY
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
T12S R28E S30		NENW	40	T12S R28E S30	LOT 1	NWNW	52
T12S R28E S30	LOT 2	SWNW	53	T12S R28E S30		SENW	40
T12S R28E S30		NESW	40	T12S R28E S30	LOT 3	NWSW	53
T12S R28E S30	LOT 4	SWSW	43				
<u>DOMESTIC Within CASSIA County</u>							
T12S R28E S30	LOT 4	SWSW					

321 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 321 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-04040, 43-04041, 43-04053, & 43-04054.

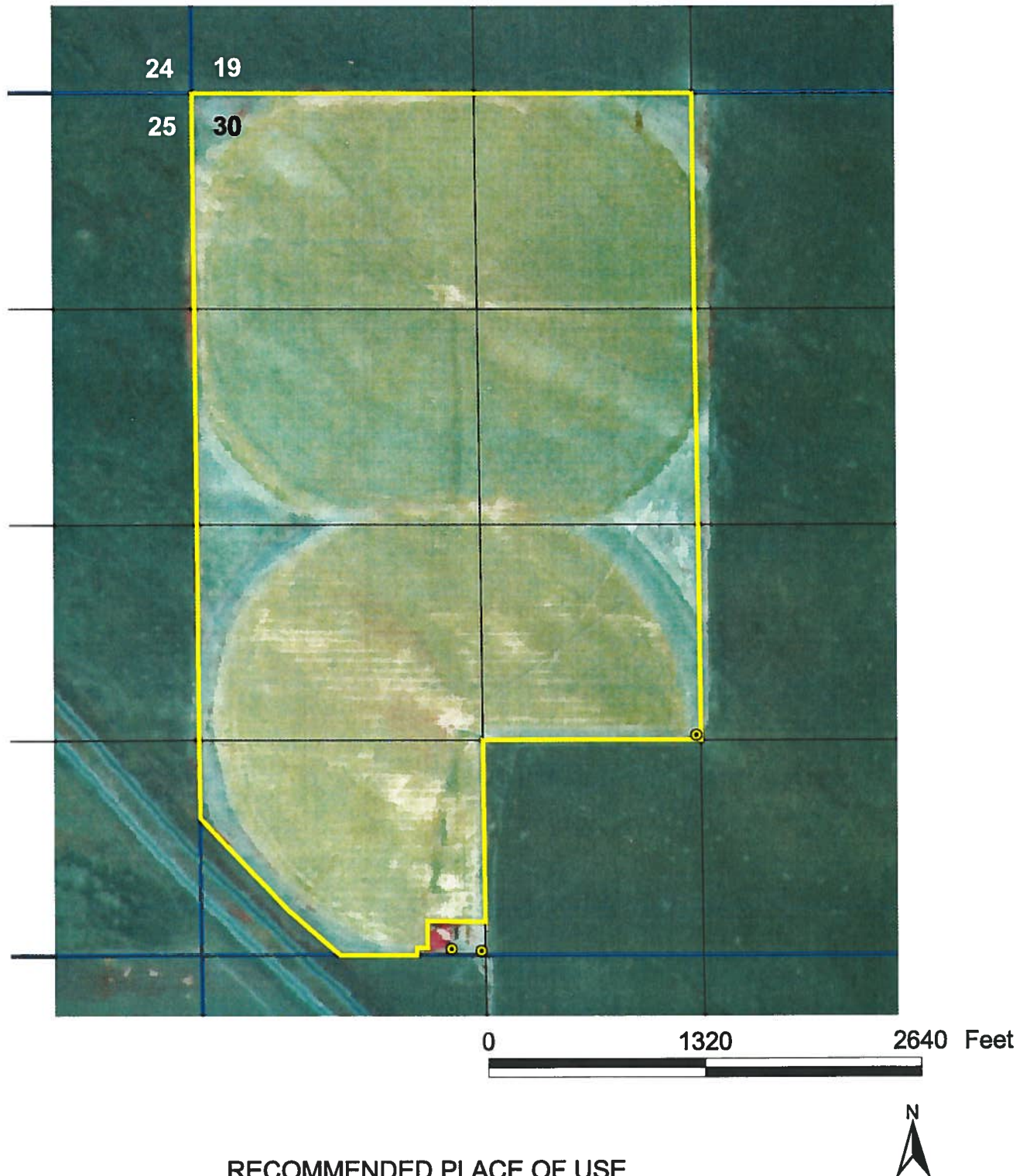
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

43-04040, 43-04041, 43-04053, & 43-04054



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 31, 2001
TWP 12S, RNG 28E, SEC. 30

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

A43-04040	3/15/56	2.4 cfs	328 Ac.
A43-04041	3/15/55	2. cfs	328 Ac.
A43-04053	4/1/61	0.94 cfs	208 Ac.
A43-04054	4/1/61	0.6 cfs	120 Ac.

- all acres overlap
- GIS found total of 321 Ac.
- good "evidence of priority" in files & on fiche
- total claimed diversion rate of 5.94 cfs on 321 Ac.
is reasonable and less than inch per acre (0.018)
- good evidence in files for well development
- Scott's measurement info indicated wells were
capable of amount claimed
- recommend as claimed on 321 Ac. with limiting
remarks

321
328
328
208
120

[illegible][illegible][illegible]



Well #1
T12S, R28E, Sec. 30
SESWSW

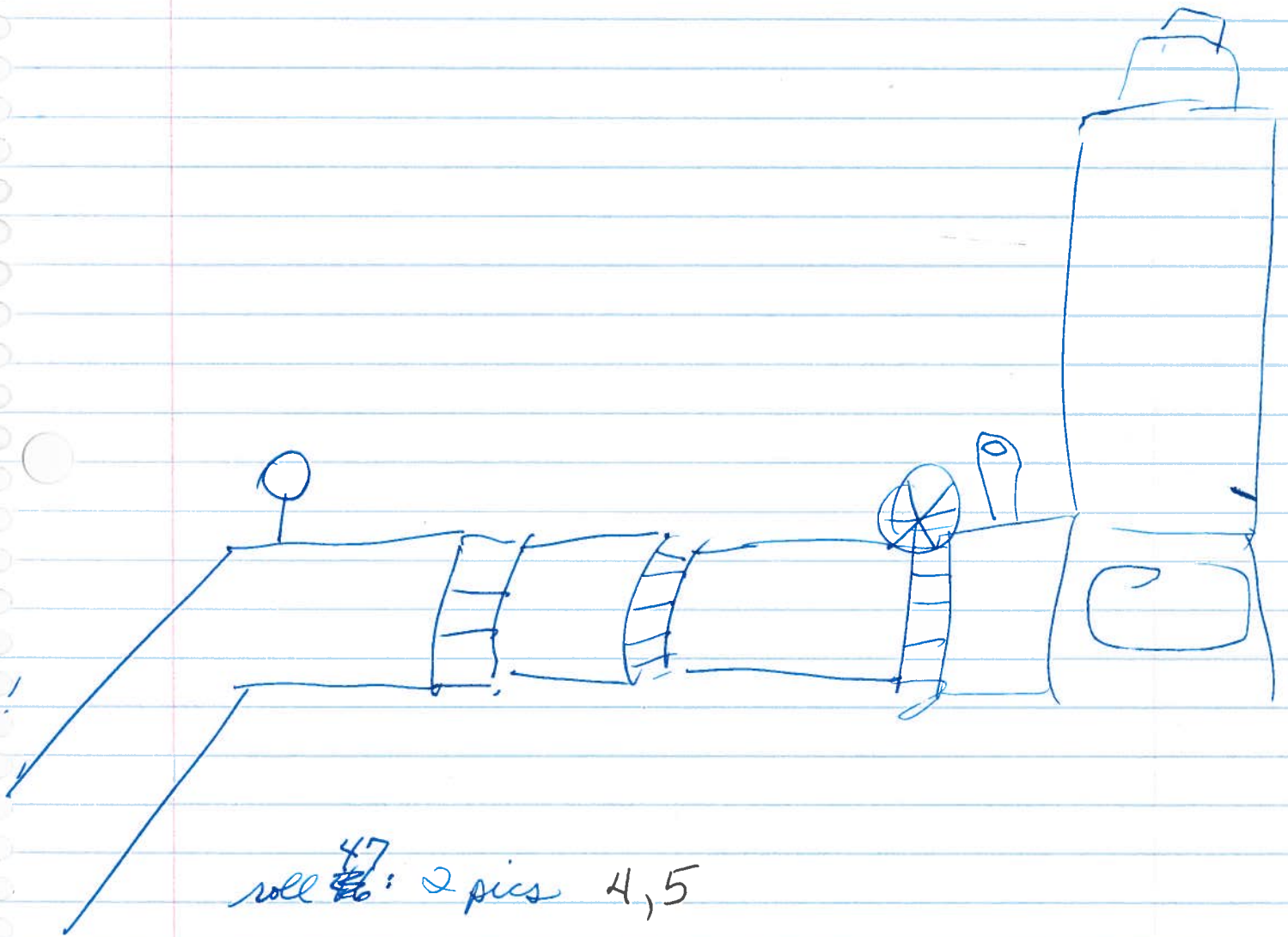
4/27/74
(off for season)

Gary Harper - Sublett Well #1

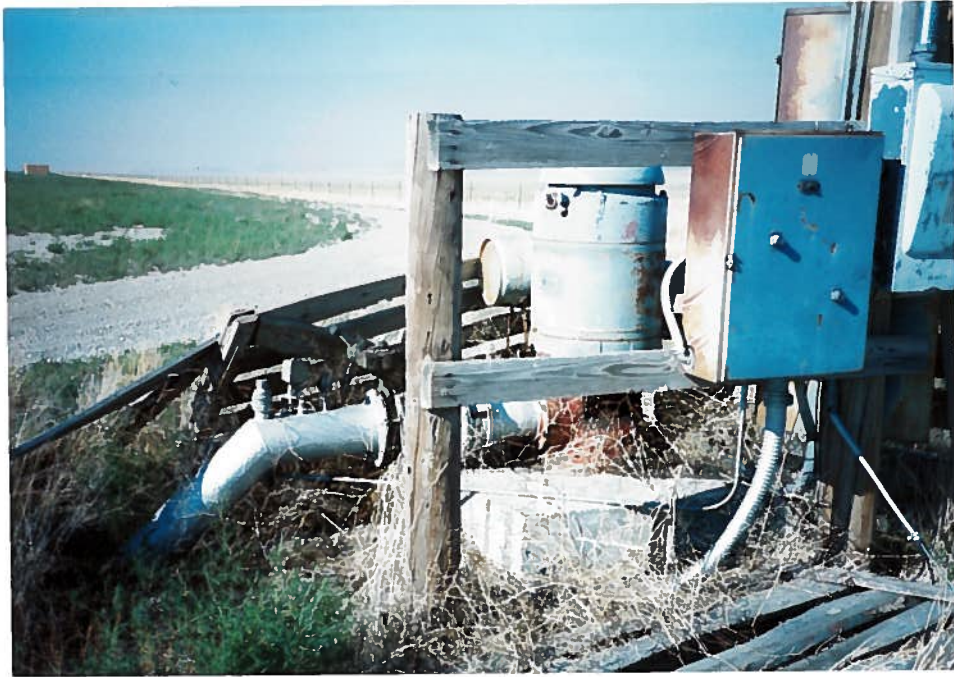
pole # 16014

L/B Pump
mod. 12 FHM
ser 80349

G.E. Motor 200 h.p.
mod. 5K6278XH16A
ser. DJJ404105



T12S, R28E, Sec. 30
SESWSW



Well #2
T12S, R28E, Sec. 30
SENE SW

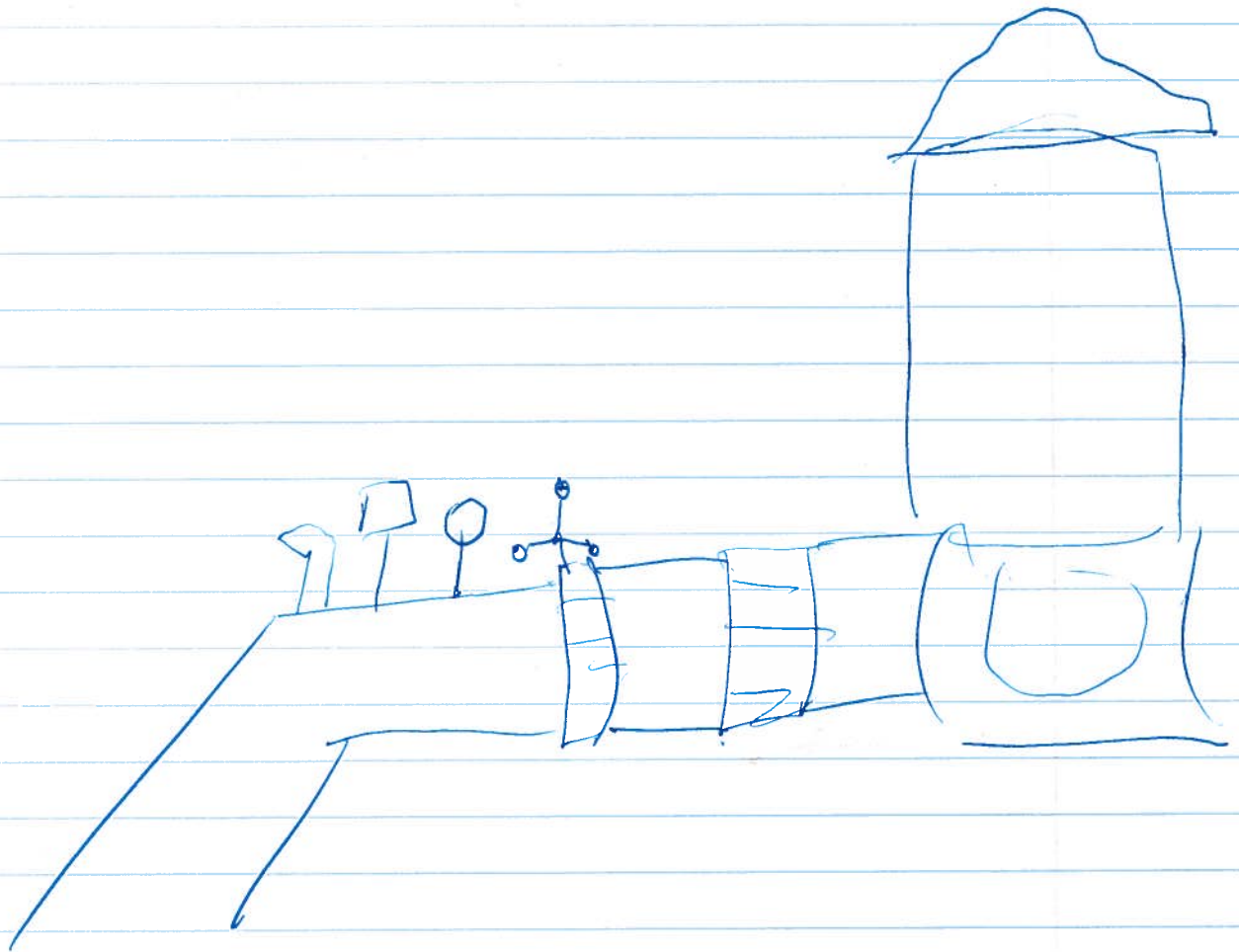
(off for season)
8/29/94

Gary Harper - Sublett Well #2

pole # 16015

Fairbanks Morse - Pomona Pump
IV 190

U.S. Motor 125 h.p.
ser 1054330
frame 504



47
all to: 2 pins 6, 7

T12S, R28E, Sec. 31
SESWSW

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: **Scott King**

Date: **36530**

Record ID	138	Measured Flow:	
Water Right No.	A43-04041	Designed Flow:	
Name	Gary Harper	HP/Eff Flow:	3.59 cfs
pod	12S28E30SESW	Sprinkler Flow:	
year:	1973	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	150 hp	100 hp well pump, 50 hp booster	
PWL	300 ft	Pump set at 340 ft?	
Disch Psi	1 psi	Open discharge	
Eff Estimate	0.82 %		
TDH	302 ft		
OHP	123 hp		
Flow	1611 gpm	=	3.59 cfs
System Method:			
No Lines		Nozzle Equation: $Q = C \cdot A \cdot \sqrt{2 \cdot g \cdot h} / \sqrt{1 - r^4}$	
Birds per line		C=	1.00 Nozzle coefficient, typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size		A=	0.00000 ft^2 Nozzle area
Nozzle pressure		h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm	=	
Pivot / System rating		gpm	=
		System is "Open ditch"	

Comments / Data Supplied:

1/5/2000 SNK

From form: "In 55 started with 1050 gpm to 1900 in 73 then back to 1300 in 79 when pivots were installed"

The 1973 flow of 1900 gpm is a bit higher than the horsepower / efficiency estimate above.

Idaho Department of Water Resources
 Estimated Pumping Rate Documentation Form
 Flow Analysis Performed by: **Scott King**

Date: **36530**

Record ID	138	Measured Flow:	
Water Right No.	A43-04041	Designed Flow:	
Name	Gary Harper	HP/Eff Flow:	3.00 cfs
pod	12S28E30SESWSW	Sprinkler Flow:	
year:	1975	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	200 hp	Pump set at 340 ft ?	
PWL	320 ft		
Disch Psi	70 psi		
Eff Estimate	0.82 %		
TDH	482 ft		
OHP	164 hp		
Flow	1348 gpm	=	3.00 cfs
System Method:			
No Lines		Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line		C=	1.00 Nozzle coefficient, typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size		A=	0.00000 ft^2 Nozzle area
Nozzle pressure		h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm	=	
Pivot / System rating		gpm	=
		System is "wheel lines"	

Comments / Data Supplied:

1/5/2000 SNK

From form: "In 55 started with 1050 gpm to 1900 in 73 then back to 1300 in 79 when pivots were installed"

The form also states the system was open ditch for 1955, 1973; wheel line in 1975; 1 1/2 pivots in 1979. The flow of about 1350 gpm estimated above is close to Harpers system rating of 1300 gpm for 1979.

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: Scott King

ed 1/3/2000

Date: 01/05/2000

Record ID 138	Measured Flow:
Water Right No. A43-04041	Designed Flow:
Name Gary Harper	HP/Eff Flow: 2.39 cfs
pod 12S28E30SESWSW	Sprinkler Flow:
year: 1955	Pivot/System Flow:
Flow Measurement: gpm =	
Curve/Pump Design: gpm =	
Horsepower / Efficiency Method	
Horsepower 100 hp	no booster
PWL 300 ft	SWL 180', pump set 340', my guess of PWL (sk)
Disch Psi 1 psi	open discharge
PUMP Eff Estimate 0.82 %	
TDH 302 ft	
OHP 82 hp	
Flow 1074 gpm = 2.39 cfs	
System Method:	
No Lines	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$
Birds per line	C= 1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles 0	r= 0.0000 ft Nozzle radius
Nozzle size in	A= 0.00000 ft^2 Nozzle area
Nozzle pressure psi	h= 0 ft Head
Flow per nozzle 0.00 gpm	g= 32.2 ft/sec^2 Gravitational constant
Sprinkler Flow 0 gpm	Q= 0.000 cfs Flow per nozzle
Percent Leaks %	= 0.000 gpm Flow per nozzle
Total Flow 0 gpm =	
Pivot / System rating gpm =	System is open ditches

Comments / Data Supplied:

1/5/2000 SNK

From form: "In 55 started with 1050 gpm to 1900 in 73 then back to 1300 in 79 when pivots were installed"

The 1955 flow of 1050 correlates well with horsepower / efficiency flow above.

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

A4304041

HARPER GARY B

12S28E30SESWSW

RECEIVED

DEC 23 1999

Department of Water Resources

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: 1900 gpm (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

1973 - Well Test by Aurora Open discharge testing device
1979 - 1900gpm closed system check

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

First pump installed in 1955

December 6, 1999

A4304040
HARPER GARY B
12S28E30SENE SW

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: _____ (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

A 4304040 is a combined water right
with A 4304041

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

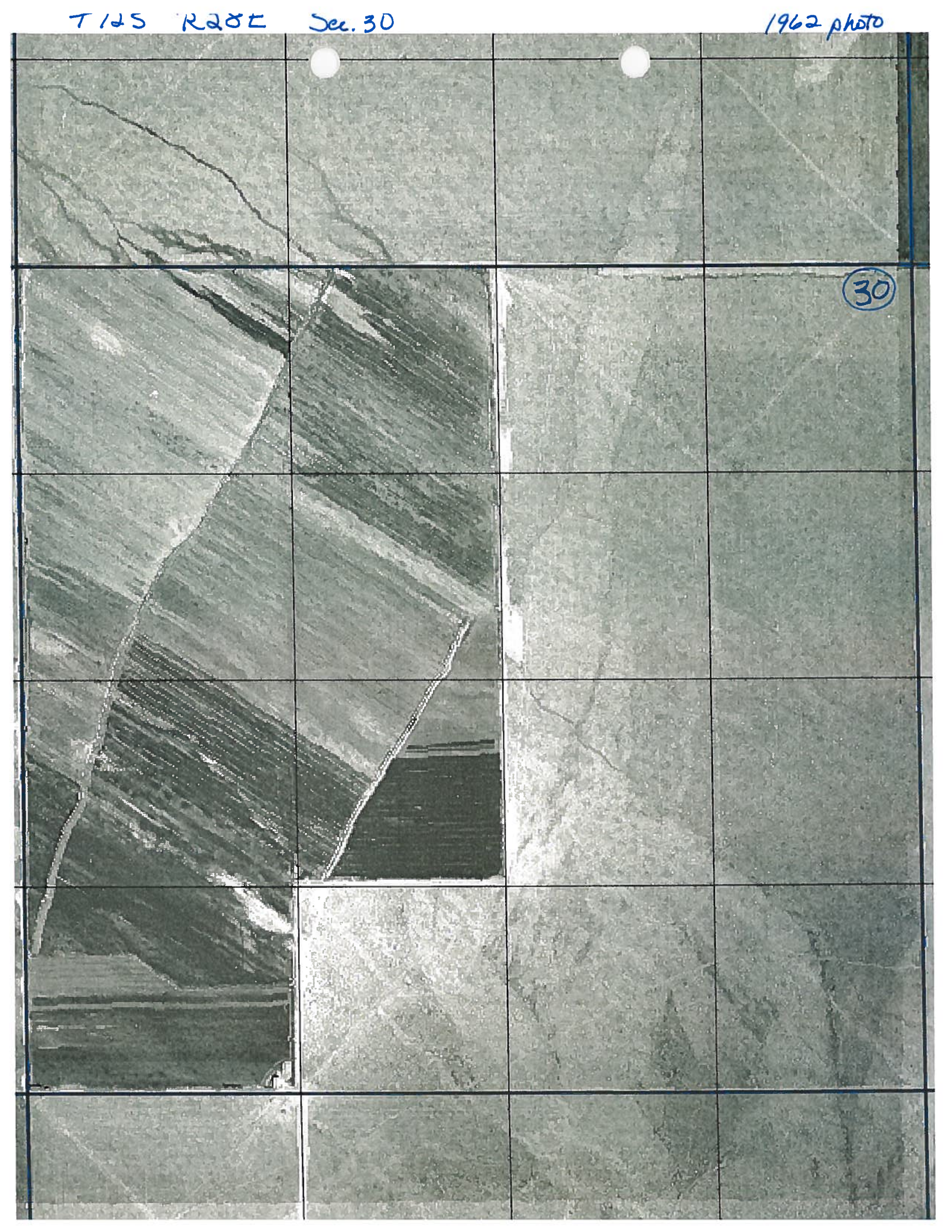
(30)

(30)

T125 R28E Sec. 30

1962 photo

30



T125

R28E

Sec. 30

1968 photo

30



HH 22
Harper

24 19
25 30

2438
11705

123.8 NW
HEL

NW

2
42.7
HEL

Sublett
#2

SENESE

3 NW
HEL
41.5

HEL
4 NW
106.9

Sublett
well
#1
SESWSW

25 30
36 31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:56:50
01/30/01
15

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-04040

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY B HARPER	05/15/1956	IRRIGATION DOMESTIC	3/15 - 11/15 03-01 10-31 01-01 12-31	2.400 CFS 0.040 CFS	1284 AF (321 x 4)
TOTAL DIVERSION:					2.400 CFS	
~~CONSUMPTIVE USE:~~						~~984.00 AFA~~

Water Source: GROUNDWATER

Tributary to:

Stage: ~~STATUTORY CLAIM~~ B.U.

Point(s) of Diversion: T12S R28E S30 SENESW Lot04(SWSWSW)

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
12S	28E	30	:				:	40	01-52	02-52	:	40	03-52	04-52	:	328.0
TOTAL ACRES															328.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
12S	28E	30	:				:				:				:	

POU County: CASSIA

Non-Irrigation Uses: D/1 HOUSE

Other Rights: A43-04041, A43-04053, A43-04054.

Remarks: GEN AC. IRR.=328.6
ALL WR ARE PART OF ONE SYSTEM. THIS IS THE REFERENCE RIGHT FOR
OTHER WR LISTED.
DOMESTIC WELL IS SEPARATE FROM THE IRRIGATION WELL IN LOT 4.

Dates: Exam Made Date: Verified Date: 06/24/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Cond. Cooke C18
Remarks:
POU 1 E 14 321 Ac.
wall
QNT E08 1284 AF
wall
POD F02
2 pools

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:56:29
01/30/01

PAGE: 2
QUICKLOOK INFORMATION

14
CLAIM NUMBER: A43-04040

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	- N							
POINT OF DIV	Y -							
SOURCE	- N							
PLACE OF USE	Y -							
DIV. AMOUNT CFS/VOLUME	Y -							
CONSUMPTIVE USE	/							
PURPOSES OF USE	- N							
PERIOD OF USE	Y -							
BASIS OF CLAIM	Y -							
REMARKS	Y -							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

Identification No. _____
Claim No. 43-4040
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ivan M. Harris
post office address 2007 Warm Springs Avenue, Boise, Idaho
2. The point of diversion is in Lot 4 $\frac{1}{4}$ of Section 30 Township 12 South
Range 28 East B.M. located on underground water-bearing strata
tributary to _____ in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 15, 1956

amount: 2.4 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from March 1 to October 31 (both dates inclusive)

use domestic period of use from January 1 to December 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

width at bottom is _____ feet; length is _____ feet; height is _____ feet;

width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known

b. Underground water diverting works: is well flowing or pumped pumped; depth of well is 540 feet; diameter of well is 16 inches; type of pump is Fairbanks-Morse Pamona

capacity of pump is 1100 + g.p.m.; name and address of well driller is Frank P. Conley
Star Route, Declo, Idaho

43-4040

43-4040

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet
year construction commenced _____, year completed _____, date first used _____
period of storage is from _____ to _____, is reservoir drained each year _____
is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ c.f.s. If reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, If so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 328.60

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Cattle - up to
300 head

7. Where water is used for domestic or municipal purposes give number of families served 2 families
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This well was drilled under Permit No. 22034 issued by the Department
of Reclamation of the State of Idaho. An Order of Cancellation of
Permit No. 22034 was entered by the State Reclamation Engineer on
October 5, 1967. This claim is made without prejudice to any rights
existing under Permit No. 22034.

The land to which the claimed water rights are appurtenant is owned
by Ivan M. Harris and Golda Harris, husband and wife, Ivan M. Harris,
Jr., and Lallah Harris, husband and wife, and Lawrence Hettinger and
Edna Hettinger, husband and wife, subject to the contract purchasers'
interest of Ben S. Paxton and Maxine C. Paxton, husband and wife,
under Real Estate Agreement made the 3rd day of November, 1965, and
this claim is made for the benefit of both the contract sellers and
the contract purchasers of said land.

State of Idaho

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiant's knowledge.

Sworn to before me this 8th day of July, 19 71.

Ivan M. Harris
Ivan M. Harris Claimant

William J. Rungt
Notary Public
Residing at Boise, Idaho

My commission expires 7-17-75.

Rec'd #6913 For Department Use Only
Received by ef Date 7-13-71 Exception filed by: _____ Forwarded to
Prelim. check by _____ Date _____ claimant by: _____ Date _____
Fee received by JK Date 7-13-71 Fee \$ 10.00
Approved for publication by _____
Published in Boise Idaho Press Dates 8-3-71-8-27

43-4040

IN THE MATTER OF:

CLAIM TO A WATER RIGHT BY
IVAN M. HARRIS UNDER IDAHO
CODE SECTION 42-211a.

AFFIDAVIT

STATE OF IDAHO }
COUNTY OF ADA } ss.

IVAN M. HARRIS, being first duly sworn, on oath deposes and says:

I made Desert Land Entry on April 9, 1934 on Lots 1, 2, 3 and 4 (NW1/4), the NE1/4 and the E1/4 of Section 30, Township 12 South, Range 28 East, S. M., in Cassia County, Idaho, under Desert Land Entry No. Idaho 81986. I reclaimed the lands in that Desert Entry and was granted a patent for those lands by the United States of America on January 2, 1937.

In order to obtain water for the irrigation of said described lands, I had two wells drilled by Frank F. Conley, a licensed well driller (License No. 76) whose residence at that time was at Declo, Idaho. One such well was drilled in Lot 4 (SW1/4) of said Section 30 at a point approximately 20 feet north and 900 feet east from the southwest corner of said Section 30. The diameter of this well was 16 inches and it was drilled to a total depth of 340 feet. This well was cased to a depth of 185 feet with 16-inch casing and from 185 feet to a depth of 346 feet with 14-inch casing. A Fairbanks-Morse Ramona pump with a U. S. Motor (100 horsepower) was installed

43-4040

in this well. This well produced a flow of 120 miners inches or more from the time it was first placed in operation in May of 1955 until I sold my interest in the property in 1965.

The other well was drilled in the NE1/4 of said Section 30 at a point approximately 40 feet north and 30 feet west from the southeast corner of the NE1/4 of said Section 30. The diameter of this well was 14 inches to a depth of 292 feet and 12 inches from 292 feet to 357 feet and 10 inches from 357 feet to 485 feet, the latter being the total depth of the well. A Fairbanks-Morse Ponoma pump with a U. S. Motor (75 horsepower) was installed in this well. This well produced a flow of 100 miners inches or more from the time it was first placed in operation in May of 1955 until I contracted to sell my interest in the property in 1965.

Water is distributed from the well in the NE1/4 of said Section 30 by means of a main ditch extending north a distance of 3,960 feet, more or less, having a depth of 2 feet, a bottom width of 3 feet and a top width of 6 feet. Smaller ditches extend westerly from this main ditch.

Water from the well in Lot 4 of said Section 30 is distributed by means of a main ditch extending north from the well a distance of approximately 5,280 feet, having a depth of 2 feet, a bottom width of 3 feet and a top width of 6 feet. Smaller ditches extend easterly and westerly from this main ditch.

Irrigation of the lands in the Desert Entry commenced on or before May 15, 1955 using water from the well in the NE 1/4 of said Section 30. The full 100 miners inch flow of the well was used for irrigation commencing on or before May 15, 1955, and since that date has been used for the irrigation of Lots 1, 2 and 3, the E 1/2 and the NE 1/4 of said Section 30.

Irrigation of the lands in the Desert Entry commenced on or before May 15, 1956 using water from the well in lot 4 of said Section 30. The full 120 miners inch flow of the well was used for irrigation commencing on or before May 15, 1956, and since that date has been used for the irrigation of Lots 1, 2, 3 and 4, the E 1/2 and the NE 1/4 of said Section 30.

Evan M. Harris
Evan M. Harris

SUBSCRIBED AND SWORN to before me this 5th day of July, 1971.

William J. Ruppert
Notary Public for the State of Idaho
Residing at Boise, Idaho.

43-4040

43-4040

February 17, 1972

Mr. Ben Paxton
Malta, Idaho 83342

Dear Mr. Paxton:

Following your telephone call today, I have checked the files of this office concerning the two wells apparently drilled by Ivan M. Harris in 1955 and 1956 on lands in Section 30; Twp. 12S, Rge. 28E, B.M. Our records show that Permit No. 22034 was issued to Mr. Harris and he had until 1967 within which to drill the wells and apply the water to beneficial use. The Proof of Completion of Work was submitted, but it was indicated at that time, that there had been a failure of some of the pumping equipment and that he was not then using the water.

On August 10, 1967, we notified him by certified mail at his home address in Boise that the permit would be cancelled unless Proof of Beneficial Use was received before September 19, 1967. The return receipt card was signed by Mr. Harris. Further information was received from him, and therefore, on October 5, 1967, the permit was permanently cancelled. This office has no authority to reinstate a permit, except upon the finding of an error on the part of the department. You are probably aware that Mr. Harris has filed Claim Nos. 43-4040 and 43-4041 covering these two wells in which he has claimed the right to 2.4 cfs of water from the well in Lot 4 and 2.0 cfs of water from the well in the NE1/4SW1/4, Section 30; Twp. Rge. 28E, B.M.

If you desire further information concerning these wells, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

43-4040

CLAIM NUMBER A43-04040
A43-04041

DATE _____
AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 328
GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	12S	28E	30					40	52	52	40	40	52	52						328
GIS	12S	28E	30																	
RECOM	12S	28E	30																	
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP
SHAPE NOS.

B43-POD.SHP
NOS. DESCRIPTION

DBF TABLES UPDATED _____

B43-DBPOU.DBF _____

B43-DBPOD.DBF _____

JPEG LAYOUT _____

24 19

25 30

2438
T1705

123.8 NW
HEL

NW

3 NW
HEL
41.5

2
42.7
HEL

HEL
4 NW
106.9

25 30

36 31

24 19
25 30

243.8
74705

123.8 NW
HEL

3 NW
HEL
41.5

NW

2
42.7
HEL

HEL
4 NW
106.9

25 30
36 31